

# **EXHIBIT 91**

JOSEPH ABARNO

C O N F I D E N T I A L

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CASE NO. 1:22-cv-6206

- - - - -)

PIONEER BUSINESS SERVICES, LLC,

d/b/a FOUR CORNERS AVIATION SERVICES,

Plaintiff(s),

vs.

VISTAJET US, INC.,

Defendant(s).

- - - - -)

DEPOSITION UNDER ORAL EXAMINATION OF

JOSEPH ABARNO

DATE: January 24, 2023

REPORTED BY: MICHAEL FRIEDMAN, CCR

JOB NO. 221076

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2 To prepare for your deposition  
3 today, over the last week or two did you  
4 review any documents?

5 A Yes.

6 Q What documents did you review?

7 A I reviewed five prospecting e-mails  
8 that were sent on my behalf as well as some  
9 internal communication regarding the account,  
10 but that's it.

11 Q All right. So when you say five  
12 prospecting e-mails, do you recall to whom  
13 those prospecting were sent?

14 A Yes, those e-mails were sent to  
15 roughly 1,000 to 3,000 people at a single  
16 time.

17 Q Okay. And did you see any that  
18 were -- of those five prospecting e-mails,  
19 did you see the -- any copies of those  
20 e-mails with the recipients on them?

21 A Yes.

22 Q Which recipients were on the  
23 e-mails that you saw?

24 A I don't remember the name, but the  
25 one we reviewed was at a Coca-Cola e-mail

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2 address.

3 Q Okay. Were all five of them for  
4 Coca-Cola e-mail addresses or just one of the  
5 five?

6 A I don't remember specifically. I  
7 do remember at least one.

8 Q Okay.

9 Then you say you looked at some  
10 documents regarding the account. What did  
11 you mean by the account?

12 A Internal communication from our  
13 member services team speaking on how -- how  
14 they entered the account within the  
15 GlobalView system, but nothing that I had any  
16 part of. Didn't really understand what was  
17 going on there.

18 Q When you say the account, what  
19 account are you referring to?

20 A It was just speaking of GlobalView.  
21 I'm not even sure which account they were  
22 speaking of. I just know that I was cc'd on  
23 that e-mail.

24 Q Was it relating to the account that  
25 FCA had after acquiring the SoftBank hours,

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2 I wouldn't know.

3 Q Did you have access as part of your  
4 job to GlobalView?

5 A I had limited access, but there was  
6 nothing that I could do with that system.

7 Q Did you have a look at or it  
8 examine GlobalView with respect to any of the  
9 three parties whom I just mentioned,  
10 Coca-Cola, EF Falcon, and the Dalio family  
11 office?

12 A No.

13 MR. HAVELES: Let's take a short  
14 break. Then we will come back to finish  
15 up.

16 (Whereupon a discussion was held  
17 off the record.)

18 THE VIDEOGRAPHER: The time is  
19 10:33 a.m. We're off the record.

20 (Brief recess taken.)

21 THE VIDEOGRAPHER: Stand by,  
22 please.

23 MR. HAVELES: Okay.

24 Q Mr. Abarno, during the break did  
25 you recall anything that I asked you about

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region, so it was tagged to my name for prospecting e-mail and call purposes.

Q Okay. It says you e-mailed their team on July 19. What e-mail did you send to the MJX Asset team on or about July 19?

A I don't know. It could have been a marketing e-mail or just some sort of prospecting e-mail.

Q At or around this time, were you aware that the Dalio family office and Mr. Dalio were booking -- were using VistaJet flight hours through arrangements made by FCA during the preceding months?

A No, I had no knowledge.

Q Did anyone ever ask you after July or on or about July -- June 24, 2022 or thereafter to reach out and contact anyone at the Dalio family office or Bridgewater Associates about selling them VistaJet hours?

A No.

Q Okay. Going on in your e-mail in that same paragraph you say, "I'm surprised this is not linked to my existing account."

Why were you surprised?

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2 A Yes.

3 Q Okay. Was a copy of this e-mail  
4 provided to you by counsel?

5 A Yes.

6 Q Okay. The address -- this  
7 particular e-mail is addressed to Mr. Quincy  
8 at Coca-Cola?

9 A Yes.

10 Q Do you know where you obtained  
11 Mr. Quincy's direct e-mail?

12 A I do not.

13 Q Okay. Do you know whether  
14 SalesForce had an entry for Mr. Quincy?

15 A SalesForce did have the entry for  
16 Mr. Quincy.

17 Q Do you know when that entry was  
18 made into SalesForce?

19 A I do not know.

20 Q Okay. Then the first paragraph  
21 after the Saltation, it states, "I would like  
22 to introduce myself as your VistaJet point of  
23 contact for all of your upcoming travel  
24 requirements and can assist at your earliest  
25 convenience."

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Why were you Mr. Quincy's point of contact, or how was it that you were Mr. Quincy's point of contact?

A This is a mass e-mail that went to anywhere from 1,000 to 3,000 people at a single time. This was just part of how we prospected.

Q So you would tell someone at the point of contact whether or not they had a prior relationship?

A Correct.

Q And at the time that this e-mail was sent to Mr. Quincy, do you know whether Mr. Quincy had ever used directly VistaJet for flight hours?

A No, I have no idea.

Q Okay. Did you have any discussions with anyone at the time of this e-mail about including Coca-Cola and Mr. Quincy in the e-mail exchange blast that you sent out?

A No.

Q So you say it was something between a thousand and 3,000 addressees.

Did you do anything in connection



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2 MR. HAVELES: Christina, please let  
3 us know when --

4 MS. van SLYCK: Yes. It's been  
5 submitted.

6 MR. HAVELES: Okay.

7 Q If you can open up Exhibit 9,  
8 please, Mr. Abarno.

9 A All right. The e-mail is in front  
10 of me.

11 Q Okay. Is this an e-mail that you  
12 reviewed in connection with preparing for  
13 your deposition?

14 A Yes.

15 Q And this was provided to you by  
16 counsel?

17 A Yes.

18 Q Okay. Now, was this e-mail part of  
19 another e-mail blast to many individuals?

20 A Yes.

21 Q In this e-mail it says, Dear James:  
22 Request an on-demand quote for your next  
23 flight on VistaJet's identically-designed  
24 fleet of Global and Challenger aircraft  
25 inclusive of a British Butler -- let me read

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that again.

"Request an on-demand quote for your next flight on VistaJet's identically-designed fleet of Global and Challenger aircraft inclusive of a British Butler Institute-trained cabin hostess, fine dining and all taxes and fees."

When you sent that request out to or that suggestion out to Mr. Quincy, did you have any -- did you have any discussions with anyone prior to sending that communication to Mr. Quincy?

A No.

Q And with respect to that -- this e-mail, is there any reason why you did not allude to the blast you sent two weeks earlier on May 27th?

A Can you rephrase that?

Q Sure.

Is there any reason why you did not make reference to the May 27 e-mail that you sent to Mr. Quincy two weeks earlier?

A No, there's no reason. There's about five e-mails that are automated that

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2 get sent out every so many days, and this  
3 looks like it's --

4 Q Is there any kind of filter or  
5 check to be sure that you don't send out so  
6 many e-mails that it can be perceived by the  
7 recipient as being harassing?

8 A Can you define harassing?

9 Q Pardon me?

10 A Can you define harassing?

11 Q Yeah, where the recipient might  
12 think: You're harassing me or bothering me  
13 with unnecessary spam e-mails, when you're  
14 dealing with someone who is fairly senior in  
15 a corporate organization.

16 A Yeah. All they had to do was  
17 reply, "Unsubscribe", and I believe there's  
18 also a -- I believe there's a function on the  
19 e-mail that allows them to unsubscribe as  
20 well.

21 Q Okay. So unless and until they  
22 unsubscribe, you just blast them with  
23 e-mails.

24 Is that the idea?

25 A Not necessarily. There's always a

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time where, you know, maybe years down the line people could, you know, circle back with you, but this --

Q Okay. Let me -- I'm sorry. I keep on cutting you off. My apologies.

A That's fine.

Q Did you have anything that you wanted to add? I'm sorry for cutting you off.

A Yeah. There's typically anywhere from three to five e-mails that are sent in, you know, a periodic time frame.

And after that runs its course we don't start a whole new one. We give them time to breathe and give them time if they want to reply or not.

Q Okay. All right.

Now, let me ask you --

MR. HAVELES: Let's mark as Exhibit 10 -- Christina, can you put it in the folder, please, an e-mail dated 23 June 2022 from Joseph Abarno to James Quincy.

It bears the Bates numbers VJ 9022

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C E R T I F I C A T E

I, MICHAEL FRIEDMAN, a Certified Court Reporter and Notary Public, qualified in and for the State of New Jersey do hereby certify that prior to the commencement of the examination JOSEPH ABARNO was duly sworn by me to testify to the truth the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER certify that I am neither a relative of nor employee nor attorney nor counsel for any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



MICHAEL FRIEDMAN, CCR of the

State of New Jersey

License No: 30XI00228600

Date: January 31, 2023